

## Preliminary information

i). Dear colleague,

Welcome to the national survey “Assessing the quality and impact of legal research”.

## Project Summary

This project aims to survey the opinions of the members of staff of Australian law faculties and schools on how we do and should assess the quality and impact of legal research. The project also aims to determine whether there are perverse incentives and stressors that adversely impact research and whether these are unevenly distributed across researchers.

The Project is being undertaken by Catherine Renshaw (Professor and Associate Dean, Research, School of Law, Western Sydney University) and Lyria Bennett Moses (Professor and Associate Dean, Research, at the Faculty of Law and Justice, UNSW Sydney). The project is being carried out with the support of the Council of Australian Law Deans (CALD).

The survey is addressed to all staff members of

Australian universities who engage in scholarly legal research, broadly conceived. If you doubt whether the survey is meant for you, we would kindly like to ask you to go ahead and fill it out. All sincere answers are of assistance! You may skip questions that you are unable or unwilling to answer.

We designed and are carrying out this survey independently of CALD. CALD is not supervising the administration of the survey. We are personally responsible for the content of the survey.

We guarantee that your answers will remain confidential and will not be traced back to individual persons.

### **How is the study being paid for?**

CALD is providing funding for this project.

### **What will I be asked to do?**

You will be asked to complete an online survey.

### **How much of my time will I need to give?**

The survey takes 20 minutes (maximum) to complete.

### **What benefits will I, and/or the broader community, receive for participating?**

The benefit of the study is that it will provide national guidance on quality and impact in legal scholarship for consideration by CALD and feed into the current national debate about research quality and impact.

**Will the study involve any risk or discomfort for me?  
If so, what will be done to rectify it?**

There is no risk or discomfort involved.

**How do you intend to publish or disseminate the results?**

We intend to submit a report to CALD and disseminate results via the Law Associate Deans Research Network.

**Will the data and information that I have provided be disposed of?**

Please be assured that only the researchers will have access to the raw data you provide and that your data will not be used in any other projects. Please note that minimum retention period for data collection is five years post publication. The data and information you have provided will be securely disposed of.

**Can I withdraw from the study?**

Participation is entirely voluntary and you are not obliged to be involved. If you do participate you can withdraw at any time without giving reason. If you do choose to withdraw, any information that you have supplied will be deleted.

## **What if I require further information?**

Please contact Professor Catherine Renshaw or Professor Lyria Bennett Moses should you wish to discuss the research further before deciding whether or not to participate:

Professor Catherine Renshaw  
c.renshaw@westernsydney.edu.au  
ph. (02) 82368037

Professor Lyria Bennett Moses  
lyria@unsw.edu.au  
ph. (02) 93852254

## **What if I have a complaint?**

If you have any complaints or reservations about the ethical conduct of this research, you may contact the Ethics Committee through Research Engagement, Development and Innovation (REDI) on Tel +61 2 4736 0229 or email [humanethics@westernsydney.edu.au](mailto:humanethics@westernsydney.edu.au). Any issues you raise will be treated in confidence and

investigated fully, and you will be informed of the outcome.

This study has been approved by the Western Sydney University Human Research Ethics Committee. The Approval number is H15549.

Many thanks

Catherine Renshaw  
Lyria Bennett Moses

i) . I acknowledge that I have read the information provided and have been given the opportunity to discuss the information and my involvement in the project with the researcher/s

☐ Yes

☐ No

ii). I acknowledge that the procedures required for the project and the time involved have been explained to me, and any questions I have about the project have been answered to my satisfaction.

☐ Yes

☐ No

iii). I acknowledge that I understand that my involvement is confidential and that the information gained during the study may be published but no information about me will be used in any way that reveals my identity

☐ Yes

☐ No

iv). I acknowledge that my data and the information provided by me can be used for this project.

☐ Yes

☐ No

v). I consent to

☐ participating in an online survey

Q90. Since you have not consented to participating in the study, please do not answer any further questions and

close the survey.

## Part One - Researchers

Part 1: Researchers.

In this first part, we aim to obtain information about the backgrounds and interests of legal researchers.

Q1). I am employed in a law school or law faculty at the following university:

Q2). What is the nature of your employment?

Q3). My position is:

Q3). Other, namely:

Q4). Do you have a current leadership role in relation to legal research? (Check all that apply)

- ☐ No
- ☐ School/Faculty level leadership role (e.g. Research Director, Associate Dean (Research), Dean, Head of School)
- ☐ University level leadership role (e.g. Pro Vice Chancellor Research)
- ☐ Director of a research Centre or Institute (or similar)
- ☐ Managing Editor (or similar) of a journal or book series
- ☐ Member of editorial board (or similar) of a journal or book series
- ☐ Other role

Q4). Other role, namely:



Q5). I would describe myself as:

- ☐ Someone who aspires to a research career, but does not yet hold a research or research and teaching position
- ☐ An early career researcher
- ☐ A mid-career researcher
- ☐ A senior researcher

Q6). Which gender do you identify with?

- ☐ Female
- ☐ Male
- ☐ Non-binary
- ☐ Prefer not to answer

Q7). My main area of expertise is

- ☐ 4801 Commercial law
- ☐ 480101 Banking, finance and securities law
- ☐ 480102 Commercial law
- ☐ 480103 Corporations and associations law
- ☐ 480104 Labour law
- ☐ 480105 Not-for-profit law
- ☐ 480106 Taxation law
- ☐ 480199 Commercial law not elsewhere classified
- ☐ 4802 Environmental and resources law
- ☐ 480201 Animal law

- ☐ 480202 Climate change law
- ☐ 480203 Environmental law
- ☐ 480204 Mining, energy and natural resources law
- ☐ 480299 Environmental and resources law not elsewhere classified
- ☐ 4803 International and comparative law
- ☐ 480301 Asian and Pacific law
- ☐ 480302 Comparative law
- ☐ 480303 Conflict of laws (incl. private international law)
- ☐ 480304 European Union law
- ☐ 480305 International arbitration
- ☐ 480306 International criminal law
- ☐ 480307 International humanitarian and human rights law
- ☐ 480308 International trade and investment law
- ☐ 480309 Ocean law and governance
- ☐ 480310 Public international law
- ☐ 480311 Space, maritime and aviation law
- ☐ 480399 International and comparative law not elsewhere classified
- ☐ 4804 Law in context
- ☐ 480401 Criminal law
- ☐ 480402 Family law
- ☐ 480403 Law and humanities
- ☐ 480404 Law and religion
- ☐ 480405 Law and society and socio-legal research
- ☐ 480406 Law reform
- ☐ 480407 Law, gender and sexuality (incl. feminist legal scholarship)
- ☐ 480408 Law, science and technology
- ☐ 480409 Legal education
- ☐ 480410 Legal theory, jurisprudence and legal interpretation
- ☐ 480411 Media and communication law

- ☐ 480412 Medical and health law
- ☐ 480413 Race, ethnicity and law
- ☐ 480414 Sports law
- ☐ 480499 Law in context not elsewhere classified
- ☐ 4805 Legal systems
- ☐ 480501 Access to justice
- ☐ 480502 Civil procedure
- ☐ 480503 Criminal procedure
- ☐ 480504 Legal institutions (incl. courts and justice systems)
- ☐ 480505 Legal practice, lawyering and the legal profession
- ☐ 480506 Litigation, adjudication and dispute resolution
- ☐ 480507 Youth justice
- ☐ 480599 Legal systems not elsewhere classified
- ☐ 4806 Private law and civil obligations
- ☐ 480601 Contract law
- ☐ 480602 Equity and trusts law
- ☐ 480603 Intellectual property law
- ☐ 480604 Property law (excl. intellectual property law)
- ☐ 480605 Tort law
- ☐ 480699 Private law and civil obligations not elsewhere classified
- ☐ 4807 Public law
- ☐ 480701 Administrative law
- ☐ 480702 Constitutional law
- ☐ 480703 Domestic human rights law
- ☐ 480704 Migration, asylum and refugee law
- ☐ 480705 Military law and justice
- ☐ 480706 Privacy and data rights
- ☐ 480707 Welfare, insurance, disability and social security law
- ☐ 480799 Public law not elsewhere classified

- ☐ 4899 Other law and legal studies
- ☐ 489999 Other law and legal studies not elsewhere classified
- ☐ Other

Q7) . Other, namely:

Q8). Have you ever published, or would you consider publishing in a language other than English?

- ☐ Yes
- ☐ No

Q9). The approach or methodology I use can best be described as (select all that apply):

- ☐ Doctrinal/black-letter
- ☐ Theoretical
- ☐ Critical
- ☐ Empirical
- ☐ Law reform
- ☐ Comparative
- ☐ Interdisciplinary
- ☐ Socio-legal

- ☐ Drawn from the humanities
- ☐ Drawn from social science disciplines
- ☐ Other

Q9). Other, namely:

Q10). My research is aimed primarily at (choose all relevant):

- ☐ An Australian legal scholarly audience
- ☐ An Australian legal professional audience
- ☐ An Australian interdisciplinary audience
- ☐ An international legal scholarly audience
- ☐ An international interdisciplinary audience

Q11). Would you like to explain why you believe your research is relevant to these audiences?

Q12). In relation to your own publications, please rank what you attach most value to writing:

Monographs

Journal Articles

Chapters in edited collections

Case notes

Textbooks

Casebooks

Non-traditional research outputs such as submissions to law reform inquiries

Q13). Would you like to explain why you chose your answer to the above question?

Q14). Please state whether you strongly agree, neither agree nor disagree or disagree with the following statements:

## Q14). In choosing research topics:

	Disagree	Neither agree nor disagree	Agree
I am guided by my own curiosity and interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I respond to opportunities (invitations etc) as they arise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I allow myself to be guided by what my school or faculty finds important	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I decide what to research on the basis of what is useful in my career (e.g. availability of grants, ease of promotion)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I focus on a particular area because is a condition of my employment (e.g. a postdoctoral fellowship in a particular field)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I focus on areas that my institution encourages me to focus on	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I focus on areas that align with my teaching	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Disagree	Neither agree nor disagree	Agree
I focus on areas that allow me to collaborate with people I enjoy working with	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I focus on areas that I think will have an impact in my jurisdiction or country	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q15). My decisions about publication venue (e.g. choice of publisher or journal) are based on the following factors, in order from (1) - most important to (6) - least important:

My own opinion of the quality of the publisher/journal

Receiving a personal invitation to publish in a particular venue (e.g. edited collection, book series, special issue)

The journal/publisher appearing on a list retained by my institution

The ranking or metrics associated with the publisher/journal

The reputation of the publisher/journal among my peers (e.g. advice from a mentor or peer conversations)

An association between a journal and a conference where work is presented



Q16). Do you have any comments you would like to add about how you choose where to publish your research?

Q17). As far as funding is concerned, I feel that:

- ☐ Preparing and submitting research proposals for funding institutions such as the ARC helps to improve the quality of my research
- ☐ In my faculty, the importance of obtaining research grants is given too much weight in decisions concerning hiring and promotion
- ☐ The time I spend on obtaining research grants costs more than it brings
- ☐ I am not trained to obtain research grants
- ☐ None of the above

## Part Two - The Quality of Legal Research

Part 2: Quality.

This part asks a number of questions relating to the quality of legal research. The questions do not concern your personal research but apply to scholarly legal research in general.

Q18). Please state whether you agree, neither agree nor disagree or disagree with the following statements:

Q18). There are sufficiently transparent, explicit quality standards relating to:

	Disagree	Neither agree nor disagree	Agree
The award of Australian PhDs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Peer review for Australian law journals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Publication of Australian legal books/monographs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Publication of Australian legal book chapters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q19). With regard to the way in which research is assessed by my institution I feel that:

Disagree      Neither agree nor disagree      Agree

A subjective, human assessment of the substance of publications should prevail over the use of quantitative metrics such as article citation scores

☐☐☐

The introduction of a national ranking of law journals in Australia would be a welcome development

☐☐☐

Scoring of article quality (holistically or on particular dimensions) could be usefully added to the journal peer review process and made available to the author

☐☐☐

Q20). If you want, you can enter any comments you may have in respect of the above question:

Q21). When explaining the quality of your own research (e.g. in promotion applications), or assessing the quality

of the research of others, I attach the following value to:

	Little value	Some value	Great value
Journal impact factors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Citation metrics for the academic's own outputs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Publication in journals on an institutional quality/ranked list	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Publication in journals I am familiar with and believe are high quality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Publication in journals with high ERA 2010 journal rankings (A*, A)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Publication in journals recognised as high quality in other ranked lists (e.g. Washington and Lee)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ranking relative to others based on metrics for quality and/or quantity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ranking relative to others based on citation metrics e.g. h-indices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q22). When assessing the quality of legal research, I attach great or little value to:

Q22a). Whether the research is likely to become a primary reference point for future research in the field

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22b). The clarity and elegance of the expression

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22c). The articulation of a clear research methodology

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22d). Whether the research contributes to the development or building of theory

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22e). The presence of a clear research question

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22f). The depth of referencing

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22d). The precision of referencing

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22e). Originality

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22f). Logical consistency, coherence and persuasiveness of the argument

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q22g). Empirical rigour (if relevant) of the material in the publication

- ☐ Little value
- ☐ Some value
- ☐ Great value

Q23). If I want to assess the quality of legal research published in a law journal, to what extent are the following

qualities important:

	Not important	Neither important nor unimportant	Important
The reputation of the journal according to quantitative indicators (e.g. citation impact factor, Q1 rating)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The reputation of the journal among peers in my field of research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The esteem of the editorial board (diversity, seniority, prestige, affiliation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Affiliation of the journal with particular associations, societies or organisations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Affiliation of the journal with particular universities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The country of publication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The academic status and esteem (diversity, seniority, prestige, affiliation) of other contributors to the journal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Not important

Neither important  
nor unimportant

Important

How the journal is ranked by my institution's journal list (leave blank if your institution has list)



Q24). Please specify any other ways you assess the quality of legal research published in a law journal, with an indication of the importance attached to it (if applicable):

Q25). If I want to assess the quality of a monograph, to what extent are the following qualities important:

Not important

Neither important  
nor unimportant

Important

The reputation the publisher according to quantitative indicators (e.g. citation impact factor)



The reputation of the publisher among peers in my field of research



Not important                      Neither important  
nor unimportant                      Important

The esteem of the  
editorial board  
(diversity, seniority,  
prestige, affiliation)

☐☐☐

Publisher affiliation  
with particular  
universities

☐☐☐

The country of  
publication

☐☐☐

How the publisher is  
ranked by my  
institution

☐☐☐

Q26). Please specify any other ways you assess the  
quality of monograph, with an indication of the  
importance attached to it (if applicable):

Q27). If I want to assess the quality of a book chapter, to  
what extent are the following qualities important:

Not important

Neither important  
nor unimportant

Important

The reputation of the publisher according to quantitative indicators (e.g. citation impact factor)

☐☐☐

The reputation of the publisher among peers in my field of research

☐☐☐

The esteem of the editors (diversity, seniority, prestige, affiliation)

☐☐☐

Publisher's affiliation with particular universities

☐☐☐

The country of publication

☐☐☐

How the publisher is ranked by my institution

☐☐☐

Esteem of contributors to the edited collection (diversity, seniority, prestige, affiliation)

☐☐☐

Whether the chapter is double-blind peer-reviewed

☐☐☐

Q27) . Please specify any other ways you assess the quality of book chapter, with an indication of the

importance attached to it (if applicable):

Q28). With regard to ‘peer review’ (assessment by external referees, not being members of the editorial board), I feel that:

	Disagree	Neither agree nor disagree	Agree
Scholarly legal journals should always have a form of peer review using external referees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Book chapters which aspire to be regarded as legal research should always have a form of peer review using external referees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Law books which aspire to be regarded as legal research should always be submitted to external peer review	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Double blind peer review (the names of both the author and the referee are kept anonymous) should be preferred over other forms of assessment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Disagree

Neither agree nor disagree

Agree

Triple-blind peer review (e.g. as used in Oxford Journal of Legal Studies) ) should be preferred over other forms of assessment

☐

☐

☐

Peer review is a suitable means to prevent research fraud

☐

☐

☐

Peer review comments are often unhelpful or inappropriate

☐

☐

☐

Peer review comments that I have made are frequently ignored by authors or editors before publication

☐

☐

☐

It is hard to find suitable peer reviewers in my field

☐

☐

☐

Q29). The assessment of the quality of scholarly legal research may serve various goals. Please rank the following goals in importance from (1) - most important to (6) - least important:

Promoting research excellence

Accountability for the use of public money

Efficient and well-targeted allocation of funding

Assessing the quality and value of my own research

Building knowledge in the field

Assessing the quality and value of research to facilitate decisions about hiring, promotion

## Part Three – Research Impact

Part 3: Impact.

In this part, we ask questions about the impact of legal research and how it is measured.

Q30). To what extent do you agree that the following examples are impacts of legal research:

	Disagree	Neither agree nor disagree	Agree
Grant income	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact factor of publication venue	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Disagree	Neither agree nor disagree	Agree
Media attention and publicity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inclusion in course reading lists	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Changes in people's understanding or beliefs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q31). To what extent do you agree that the following examples are impacts of legal research:

	Disagree	Neither agree nor disagree	Agree	Only where the research influences the argument, reasoning or recommendations
Citation by other academics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Citation in a policy / law reform / government report	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Citation in a court judgement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q32). To what extent do you agree that the following examples are impacts of legal research:

Only where the  
change is  
positive

Disagree

Neither agree  
nor disagree

Agree

Research that  
results in changes in  
legal practice

☐
☐
☐
☐

Research that  
results in legal or  
policy change

☐
☐
☐
☐

Q33). What forms of 'impactful' research does your institution recognise for hiring, workload or promotion purposes (tick all that apply)?

- ☐ Impact factor of publication venue
- ☐ Citation by other academics
- ☐ Citation by other academics only where your work influences the argument
- ☐ Citation in a court judgement
- ☐ Citation in a court judgement only where your work influences the reasoning
- ☐ Citation in a policy / law reform / government report
- ☐ Citation in a policy / law reform / government report only where your work influences the reasoning or recommendations
- ☐ Research that results in legal or policy change
- ☐ Research that results in legal or policy change but only where it has a demonstrated positive outcome
- ☐ Research that results in changes in legal practice
- ☐ Research that results in demonstrably positive changes in legal practice
- ☐ Media attention and publicity
- ☐ Inclusion in course reading lists



- ☐ Changes in people's understanding or beliefs
- ☐ Other

Q33). Other, namely:

Q34). To what extent do you agree that legal textbooks/treatises should be recognised:

Disagree                      Neither agree nor disagree                      Agree

As research outputs,  
where they reflect  
original and creative  
analysis and  
synthesis of primary  
materials



As forms of impact,  
where they disclose  
new ways of thinking  
about legal  
categories and thus  
inform policy making  
in the relevant area



Disagree      Neither agree nor disagree      Agree

As forms of impact, where there is evidence that they influence how legal decision-makers frame their decisions or how lawyers conceptualise the issues and frame their advice



As forms of impact, where they influence how generations of students conceptualise, systematise and think about the law



Q35). What do you think is the best way to approach assessing or comparing the impact of legal research, whether from an individual perspective (e.g. in a promotion application) or an institutional perspective (e.g. comparing universities)?

Q36). How do you approach describing or measuring the impact of your own research?

Q37). If you want, you can enter any anonymous comments you may have generally in respect of this survey or matters touched upon by it:

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